

**REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-4, 6, 10-20, 22-23, 25-28, 30, and 32 are pending in the application.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1-4, 6, 10-20, 22-23, 25-28, 30, and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,504,921 to Dev, et al. (hereinafter, "Dev"). The Applicant respectfully traverses these rejections.

While Applicant generally disagrees with the rejections, Applicant has amended independent claims 1, 14, 23, 30, and 32 to clarify further features described in the Applicant's specification. As a result, the §102 rejections of these independent claims in view of Dev are believed moot, and Applicant respectfully requests withdrawal of these §102 rejections.

Turning first to **independent claim 1**, the Applicant has amended it to clarify further features of the method. For convenience, claim 1 is reproduced here, with redlines included:

"1. (Currently Amended) A method comprising:

designing a distributed computer system at least in part by representing hardware and software resources of a-the distributed computer system as model components to be included in a design for the distributed computer system, wherein the model components are selected from a group comprising:

a module that is representative of a behavior of the-an application that is implemented using the hardware and software resources and is to be implemented by the distributed computer system under design;

1 a port that is representative of a service access point for the module; and

2 a wire that is representative of an allowable communication connection between

3 two or more ports; and

4 forming, from the model components included in the design, a logical scale-independent  
5 model of ~~an~~ the application to be implemented by the distributed computer system under design."

6 The revisions to claim 1 are believed fully supported under 35 U.S.C.  
7 § 112, 1<sup>st</sup> paragraph, at least by page 17, lines 5-24. More generally, the  
8 Applicant's specification refers throughout to the use of the described modeling  
9 system in a designing, developing, or architecting context, and the foregoing is  
10 cited only to provide an example of support.

11 Turning to the cited art, Dev pertains generally to a network management  
12 system using model-based intelligence. Thus, while Dev may refer to a "virtual  
13 network" and related "models", the Applicant submits that Dev teaches a network  
14 management system used to manage, monitor, and/or diagnose faults within an  
15 existing physical network. See, e.g., Dev, column 3, lines 40-45, and column 6,  
16 lines 44-46. As such, Dev fails to disclose at least "designing a distributed  
17 computer system at least in part by representing hardware and software resources  
18 of the distributed computer system ...", as recited in claim 1.

19 On at least the foregoing basis, the Applicant submits that Dev does not  
20 support a § 102(b) rejection of claim 1, and requests reconsideration and  
21 withdrawal of the § 102(b) rejection of claim 1.

22 Claims 2-4, 6, and 10-13 depend from claim 1, and stand rejected on  
23 similar grounds. Accordingly, the above comments directed to claim 1 apply  
24 equally to these claims, and the Applicant requests reconsideration and withdrawal  
25

1 of the § 102(b) rejections of claims 2-4, 6, and 10-13 as well. Claim 12 is  
2 amended to address an informality noted by the Applicant.

3 Turning to **independent claim 14**, the Applicant has revised this claim to  
4 clarify further features of the method that are similar to those discussed above in  
5 connection with claim 1. Accordingly, the above comments directed to claim 1  
6 apply equally to claim 14. On at least the foregoing basis, the Applicant submits  
7 that Dev does not support a § 102(b) rejection of claim 14, and requests  
8 reconsideration and withdrawal of the § 102(b) rejection of claim 14.

9 Claims 15-20 and 22 depend ultimately from claim 14, and stand rejected  
10 on similar grounds. Accordingly, the above comments directed to claim 14 apply  
11 equally to these claims, and the Applicant requests reconsideration and withdrawal  
12 of the § 102(b) rejections of claims 15-20 and 22 as well.

13 Turning to **independent claim 23**, the Applicant has revised this claim to  
14 clarify further features of the method that are similar to those discussed above in  
15 connection with claim 1. Accordingly, the above comments directed to claim 1  
16 apply equally to claim 23. On at least the foregoing basis, the Applicant submits  
17 that Dev does not support a § 102(b) rejection of claim 23, and requests  
18 reconsideration and withdrawal of the § 102(b) rejection of claim 23.

19 Claims 25-27 depend ultimately from claim 23, and stand rejected on  
20 similar grounds. Accordingly, the above comments directed to claim 23 apply  
21 equally to these claims, and the Applicant requests reconsideration and withdrawal  
22 of the § 102(b) rejections of claims 25-27 as well.

23 Turning to **independent claim 28**, the Applicant has revised this claim to  
24 clarify further features of the method that are similar to those discussed above in  
25 connection with claim 1. Accordingly, the above comments directed to claim 1

1 apply equally to claim 28. However, to facilitate further discussion of claim 28,  
2 the Applicant reproduces claim 28 in part here, with redlines included:

3 "a user interface to enable a developer to create a design for an application that is to be  
4 implemented by the hardware and software resources by selecting and interconnecting the model  
5 components and specifying the functionality of the model components in accordance with the  
6 schema; and"

7 On page 6 of the Official Action, the Office cited Dev, Figs. 7A-10 and  
8 column 13, line 16 through column 15, line 2 against the foregoing feature recited  
9 in claim 28. The Applicant submits, however, that the cited portions of Dev do  
10 not disclose at least the foregoing feature recited in claim 28. While the cited  
11 Figures from Dev may disclose various topological display views, multifunction  
12 icons employed in the user display views, and alarm log displays provided by the  
13 network management system, the Applicant submits that these Figures and related  
14 discussion do not disclose a "user interface to enable a developer to create a design  
15 for an application ...", as recited in claim 28. Read in context with the rest of the  
16 Dev disclosure, it appears that the cited portions of Dev present status of the  
17 network topology to a user, but do not enable the user to design any aspect of that  
18 network topology.

19 On at least the foregoing bases, the Applicant submits that Dev does not  
20 support a § 102(b) rejection of claim 28, and requests reconsideration and  
21 withdrawal of the § 102(b) rejection of claim 28.

22 Turning to **independent claim 30**, the Applicant has revised this claim to  
23 clarify further features of the method that are similar to those discussed above in  
24 connection with claim 1. Accordingly, the above comments directed to claim 1  
25 apply equally to claim 30. On at least the foregoing basis, the Applicant submits

1 that Dev does not support a § 102(b) rejection of claim 30, and requests  
2 reconsideration and withdrawal of the § 102(b) rejection of claim 30.

3 The Action stated a rejection of claim 31, but it appears that claim 31 was  
4 cancelled in the Applicant's response to the last Official Action.

5 Turning to **independent claim 32**, the Applicant has revised this claim to  
6 clarify further features of the method that are similar to those discussed above in  
7 connection with claim 1. Accordingly, the above comments directed to claim 1  
8 apply equally to claim 32. On at least the foregoing basis, the Applicant submits  
9 that Dev does not support a § 102(b) rejection of claim 32, and requests  
10 reconsideration and withdrawal of the § 102(b) rejection of claim 32.

11 **Conclusion**

12 Claims 1-4, 6, 10-20, 22-23, 25-28, 30, and 32 are in condition for  
13 allowance. Applicant respectfully requests prompt allowance of the subject  
14 application. If any issue remains unresolved that would prevent allowance of this  
15 case, **the Examiner is requested to contact the undersigned attorney to resolve**  
16 **the issue.**

17  
18 Respectfully Submitted,

19 Date: 18 OCT 05

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